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## EVALUATOR MANUAL TRANSMITTAL SHEET

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<b><u>Distribution:</u></b>  ____ All Child Care Evaluator Manual Holders <u>X</u> All Residential Care Evaluator Manual Holders ____ All Evaluator Manual Holders	<b><u>Transmittal No.</u></b> 10ARF-01
	<b><u>Date Issued</u></b> February 2010

**Subject:**

Regulation Interpretations and Procedures for Adult Residential Facilities  
Acceptance and Retention Limitations

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**Reason for Change:**

This evaluator manual update is necessary to provide policies and procedures relating to the new Adult Residential Facility Age Regulations, which went into effect August 30, 2009. These regulations allow an Adult Residential Facility to both retain and admit persons 60 years of age or older without obtaining an exception, subject to census limitations. The regulations also specify other provisions related to the care of persons 60 years of age or older in Adult Residential Facilities.

Pages are renumbered to accommodate the additional language.

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**Filing Instructions:**

REMOVE – Pages 7.1 through 16.

INSERT – Pages 8 through 37

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**Approved:**

*Original Document Signed by*  
*Seton Bunker for Thomas Stahl*

*2/8/10*

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**THOMAS STAHL** Chief  
Policy Development Bureau  
Community Care Licensing Division

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Date

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Contact Person: Seton Bunker

Phone Number: (916) 322-1192

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**85068.1 ADMISSION PROCEDURES****85068.1****(b) POLICY**

There is nothing to prohibit granting exceptions to allow a child to reside in an Adult Residential Facility if the conditions (and exclusions) listed below under “Procedure” are observed. Exception requests to allow a child to reside in an Adult Residential Facility are usually generated following an extensive, unsuccessful search for a suitable children’s residential facility. Almost all exception requests are for Regional Center children with developmental disabilities, most of whom will live in residential care facilities their entire lives. More specifically, the types of children affected are:

- Children with behavioral problems (ranging from physical aggression to autism). These children are usually boys 16 to 17 years old who are large for their age, physically resemble an adult, and may pose a danger to younger children.
- Dual Regional Center/probation placement children.
- Children recovering from a brain injury.
- Older children who would benefit from transferring several months early into the Adult Residential Facility that they will live in as an adult.

Sometimes alternative care options are desirable when a child is too difficult to handle in a children’s residential care facility, or has needs that cannot be met in a children’s residential care facility. A child with a behavioral problem or brain injury, for example, may actually be better served in an Adult Residential Facility that specializes in caring for clients with that particular type of problem.

**85068.1 ADMISSION PROCEDURES (Continued)****85068.1****PROCEDURE**

The following exclusions and conditions apply to granting an age exception for a child to reside in an Adult Residential Facility:

Exclusions

The following categories of children are not to be considered for age exceptions:

- Foster children. Under Welfare and Institutions Code Section 11402, an Adult Residential Facility is not eligible for federal or state foster care funding.
- Children with special health care needs. Currently, Welfare and Institutions Code Sections 17710 et seq. do not provide for children with special health care needs to be placed in an Adult Residential Facility under any circumstances.
- Children under 13 years of age.

Conditions

The following conditions must be placed on exceptions to allow a child to reside in an Adult Residential Facility:

- Written request for an exception from the licensee. As required in Title 22, Regulations for General Licensing Requirements, Section 80024(b)(2), the licensee must submit to the licensing agency a written request for an exception, along with substantiating evidence supporting the request. (*Responsibility of the licensee.*)
- Fire clearance. If a facility is already licensed and has a fire clearance, a new fire clearance is not required just because a child is being placed in the facility. (Age only becomes an issue when a child is two years of age or younger.) The existing fire clearance would only have to be re-evaluated if a nonambulatory child were being placed in a facility licensed for ambulatory clients only. (*Responsibility of the licensing agency and the licensee.*)
- Age of children. As a general rule, licensing staff should consider age exceptions only for children 16 years of age or older. Exceptions for younger children—but no younger than 13 years of age—may be considered under extraordinary circumstances only and must be approved by the Program Administrator of the Statewide Adult Care Program Office. (*Responsibility of the licensing agency.*)

## 85068.1 ADMISSION PROCEDURES (Continued)

85068.1

- Documentation from the placement agency. The placement agency (almost always a Regional Center) must provide a letter to the licensee explaining the reasons for recommending placement of the child in a specific Adult Residential Facility (with any backup information attached). The placement agency must also document the support that it intends to provide to the child after placement in the Adult Residential Facility. All of this documentation must be attached to the exception request. *(Responsibility of the placement agency and the licensee.)*
- Compatibility. The issue of the child's compatibility with clients of the Adult Residential Facility must be addressed in both the licensee's written request for an exception and the documentation from the placement agency. Examples of items to consider: Is the child physically the same size as the adults in the Adult Residential Facility? Would the child be physically at risk in the Adult Residential Facility? Does the child have the same behavioral/developmental issues as the adults in the Adult Residential Facility? Does the Adult Residential Facility's program meet the child's needs? Would the child present an unreasonable risk to the other clients? If the Adult Residential Facility has an exception to care for an elderly person, the licensing agency should consider that when assessing compatibility. *(Responsibility of the licensee, the placement agency, and the licensing agency.)*
- Sharing a Room. If the licensee intends to have the child share a room with an adult, the licensee must obtain a letter from the child's placement agency approving the licensee's plan for the child to share a room with a specific adult. The licensee must also obtain a letter from the adult's placement agency approving the plan. Copies of this documentation must be part of the exception request. If the licensee later wants to have the child share a room with a different adult, the licensee must obtain new letters from the child's and the adult's respective placement agencies verifying that the proposed shared living arrangement is acceptable. *(Responsibility of the licensee, the placement agency, and the licensing agency.)*
- Care and supervision (Title 22 Regulations, for General Licensing Requirements Sections 80078 and 85078). The licensee must ensure that Adult Residential Facility staff have the ability to provide care and supervision appropriate to the type of child(ren) to be served. *(Responsibility of the licensee, the placement agency, and the licensing agency.)*

## 85068.1 ADMISSION PROCEDURES (Continued)

85068.1

- Needs and services plan [Title 22 Regulation, for General Licensing Requirements Section 80068.2(a)]. The licensee must complete a needs and services plan for the child. This plan is part of the supportive documentation for the exception request. The needs appraisal or individual program plan prepared by the placement agency may be used as the needs and services plan if it is still accurate and not more than one year old. (*Responsibility of the licensee in consultation with the placement agency.*)
- Discipline policies and procedures. The licensee's plan for dealing with behavioral problems/disciplinary issues must be part of the exception request and the child's needs and services plan. Are the Adult Residential Facility's current policies and procedures appropriate for the child, or do they need to be modified? The licensee must specify how facility staff will interact with the child's placement agency workers should behavioral problems/disciplinary issues arise. (*Responsibility of the licensee in consultation with the placement agency.*)
- Child Abuse Index Checks. The licensee must ensure that a Child Abuse Central Index review is obtained for all staff or other persons in the Adult Residential Facility subject to fingerprint clearances. For each individual needing a Child Abuse Index Check review, the licensee must send a Child Abuse Central Index Check for State-Licensed Facilities form (LIC 198A [3/99]) directly to the California Department of Justice. The LIC 198As must be submitted to the Department of Justice before the Adult Residential Facility begins caring for the child; however, the actual Child Abuse Index Check reviews conducted by the Department of Justice do not have to be completed before the child enters the facility. (*Responsibility of the licensee.*)
- Child abuse reporting. As required by Penal Code Section 11165.7(a)(8), the licensee must ensure that Adult Residential Facility staff understand their role as mandated child abuse reporters under Penal Code Section 11166. See Reference Material, Reporting Requirements Section 4-0010 of the Evaluator Manual (Mandatory Reporting of Child Abuse). (*Responsibility of the licensee, with assistance from the licensing agency as needed.*)
- Training. Licensing staff should evaluate the need for additional training for Adult Residential Facility staff on a case-by-case basis. No additional training may be necessary. Training that Adult Residential Facility staff have already received on developmental disabilities, brain injuries, or other behavioral issues may be sufficient because of its relevance regardless of the age of the client. (*Responsibility of the licensing agency in consultation with the placement agency and the licensee.*)

**85068.1 ADMISSION PROCEDURES (Continued)****85068.1**

- Overall stipulation. Licensing staff must attach the following stipulation to all age exceptions:

This exception may be withdrawn at any time if the Department determines that any of the following have occurred:

- 1) the licensee is unable to provide care and supervision to the child; OR
- 2) the child has become incompatible with the other clients; OR
- 3) the placement is otherwise no longer appropriate; OR
- 4) the licensee is not in substantial compliance with licensing laws and regulations.

*(Responsibility of the licensing agency.)*

**(d) PROCEDURE**

See Regulations Interpretations and Procedures for General Licensing Requirements Section 80065(h), Policy, for waivers of regulations for religious facilities.

Review Physician's Report (LIC 602) or equivalent report to verify that subsection (d) above is met.

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**85068.2 NEEDS AND SERVICES PLAN****85068.2****(a)(3) PROCEDURE**

Review the Preplacement Appraisal Information (LIC 603), Physician's Report (LIC 602) and Appraisal/Needs and Services Plan (LIC 625), to ensure all requirements have been met.

Refer to Regulations Interpretations and Procedures for General Licensing Requirements Section 80065(j)(1) and Regulations Interpretations and Procedures for Adult Residential Facilities Section 85068.1(b).

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**85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN****85068.3****(a) POLICY**

Significant occurrences that can result in the change in client needs are heart attack, stroke, death of a loved one, broken bones resulting in temporary or permanent change in ambulatory status, etc.

**85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**  
(Continued)**85068.3****PROCEDURE**

See Section 80065(h), Policy, for waivers of regulations for religious facilities.

Review Preplacement Appraisal Information (LIC 603), Appraisal/Needs and Services Plan (LIC 625), and compare with reports from facility staff, doctors, dentists, and social workers, psychiatrists, etc., to see if changes have occurred. Verify that an updated plan has been done if it is necessary.

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(b)(3)(A)

**POLICY**

It is the responsibility of the licensee to retain only those individuals for which needs can be met by the licensee.

If the authorized representative should refuse to relocate the client, the licensee may implement eviction proceedings.

**PROCEDURE**

Refer to Section 85068.5

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**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS****85068.4****POLICY**

For information on granting exceptions to allow a child to reside in an Adult Residential Facility, please see Regulation Interpretations and Procedures Section for Adult Residential Facilities Section 85068.1(b).

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****POLICY****CARE OF CLIENTS 60 YEARS OF AGE OR OLDER**

Under California Code of Regulations, Title 22, section 85068.4, a licensee of an Adult Residential Facility may admit or retain a person 60 years of age or older if certain criteria are met. A licensee of an Adult Residential Facility must request an exception to accept or retain a person 60 years of age or older *only if* acceptance or retention of such a person would result in the number of persons 60 years of age or older exceeding 50 percent of the census in facilities with a capacity of six or fewer clients, or 25 percent of the census in facilities with a capacity over six. (See California Code of Regulations, Title 22, section 85068.4(g), and Regulation Interpretations and Procedures for Adult Residential Facilities section 85068.4(g).) Generally, a person 60 years of age or older who resides in an Adult Residential Facility has primarily a mental health or developmental disability, and benefits from participation in an Adult Residential Facility program designed to meet his or her special needs.

In the event that an exception is required to admit or retain a person 60 years of age or older in an Adult Residential Facility, licensing staff shall assist, and not discourage, licensees/applicants of Adult Residential Facilities in requesting exceptions to admit or retain persons 60 years of age or older. This assistance shall include providing licensees/applicants with an explanation of the waiver/exception process.

**PROCEDURES**

The provisions of California Code of Regulations, Title 22, section 85068.4 must be followed when an Adult Residential Facility provides, or seeks to provide, care to a person 60 years of age or older. Under California Code of Regulations, Title 22, section 80001(a)(5), the definition of an Adult Residential Facility now includes “persons 60 years of age and older only in accordance with Section 85068.4.”

Please see specific Regulation Interpretations and Procedures for Adult Residential Facilities entries for information on subsections of California Code of Regulations, Title 22, section 85068.4.

In addition, please see Regulation Interpretations and Procedures for Adult Residential Facilities section 85068.4(g) for general instructions regarding age exceptions.

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**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(b) POLICY**

Under California Code of Regulations, Title 22, section 85068.4(b), the following applies:

- **Compatible needs.** The needs of an Adult Residential Facility client 60 years of age or older must remain compatible with the needs of other clients in the facility.
  - **Care and supervision.** The client must require the same level of care and supervision as the other clients in the facility.
  - **Needs of client.** The licensee must be able to continue to meet the needs of the client.
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**(c) POLICY**

When a licensee admits or retains any person 60 years of age or older, all of the information cited in California Code of Regulations, Title 22, sections 85068.4(c)(1) through (c)(5) must be included in the person's file, as follows:

- **Completed Functional Capabilities Assessment, pursuant to California Code of Regulations, Title 22, section 85068.4(c)(1).** This may be used to assist in identifying any age-related needs the person may have, which must be addressed in the Needs and Services Plan.
- **Completed Needs and Services Plan, pursuant to California Code of Regulations, Title 22, section 85068.4(c)(2).** This must include how the licensee plans to address any of the person's age-related needs.
- **Medical assessment, pursuant to California Code of Regulations, Title 22, section 85068.4(c)(3).** When a person 60 years of age or older is initially being admitted or retained in an Adult Residential Facility, it is acceptable for his or her medical assessment to meet either Adult Residential Facility or Residential Care Facility for the Elderly requirements. (See California Code of Regulations, Title 22, section 80069, and California Code of Regulations, Title 22, sections 87458(b) and (c).) Subsequent medical assessments for a client 60 years of age or older must meet Residential Care Facility for the Elderly requirements, pursuant to California Code of Regulations, Title 22, section 85068.4(e).

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(c) POLICY (Continued)**

Adult Residential Facility medical assessments may be, but are not required to be, documented on the LIC 602 form (10/99), Physician's Report for Community Care Facilities. Residential Care Facility for the Elderly medical assessments may be, but are not required to be, documented on the LIC 602A form (12/04), Physician's Report for Residential Care Facilities for the Elderly.

- **Letters of support from the person's conservator, pursuant to California Code of Regulations, Title 22, section 85068.4(c)(4).** In evaluating whether a person 60 years of age or older is appropriate for placement in an Adult Residential Facility, licensing staff should take into account the wishes of the current or prospective client's conservator and the client, when feasible.
- **Other letters of support, if any, pursuant to California Code of Regulations, Title 22, section 85068.4(c)(5).** Letters of support from placement officers, social workers, and/or mental health professionals are generally optional, but may be requested by licensing staff if necessary to make an informed decision regarding an exception request.

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**(d) POLICY**

Under California Code of Regulations, Title 22, section 85068.4(d), the following applies:

- **Needs and Services Plan, updated annually.** The requirement that the Needs and Services Plan for each client of an Adult Residential Facility 60 years of age or older be updated at least annually is a safeguard, to assist in the early detection of a decline in such a client's health or functioning. Clients 60 years of age or older are generally at higher risk for experiencing declines in physical health and cognitive/emotional/social functioning than are the younger clients that an Adult Residential Facility traditionally serves.
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**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(e) POLICY**

Under California Code of Regulations, Title 22, section 85068.4(e), the following applies:

- **Medical assessment, updated annually and in accordance with the Residential Care Facility for the Elderly regulations.** The requirement that the medical assessment for each client of an Adult Residential Facility 60 years of age or older be updated at least annually is a safeguard, for all of the reasons cited under the Needs and Services Plan immediately above. The additional requirement that the medical assessment for each such client be updated in accordance with the Residential Care Facility for the Elderly regulations is also a safeguard, since the Residential Care Facility for the Elderly regulations are geared to identifying concerns and conditions associated with the aging process.

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**(f) POLICY**

California Code of Regulations, Title 22, section 85068.4(f) gives the California Department of Social Services the authority to require the licensee to comply with various regulations applicable to Residential Care Facilities for the Elderly if the California Department of Social Services determines that compliance with any such specific regulations is necessary to protect the health and safety of clients 60 years of age or older.

**PROCEDURE**

Because the ability to apply the regulations of one facility category (Residential Care Facility for the Elderly) to another facility category (Adult Residential Facility) is unique to the current licensing scheme, the following clarifications and implementation instructions/procedures are provided:

85068.4 ACCEPTANCE AND RETENTION LIMITATIONS  
(Continued)

85068.4

## (f) PROCEDURE (Continued)

**Overview/General Guidelines/Examples**

**Case-by-case determination.** The California Department of Social Services may require the licensee of an Adult Residential Facility to comply with an applicable Residential Care Facility for the Elderly regulation(s) only after making a case-by-case determination that such compliance is necessary, based on the specific needs of senior individuals living in that facility.

**General Guidelines.** The potential application of a Residential Care Facility for the Elderly regulation to an Adult Residential Facility that cares for a client(s) 60 years or age older should only be considered when:

- There is no Adult Residential Facility regulation that will meet the needs of a client(s) 60 years of age or older.
- Compliance with a specific Residential Care Facility for the Elderly regulation is necessary to protect the health and safety of a client(s) 60 years of age or older.
- As indicated above, a case-by-case determination has been made that such compliance is necessary, based on the specific needs of a client(s) 60 years of age or older living in the facility.

**Examples of potentially applicable Residential Care Facility for the Elderly regulations.** Examples of such regulations include, but are not limited to, the following:

- Documentation of observation of client. California Code of Regulations, Title 22, section 87466 requires the licensee of a Residential Care Facility for the Elderly to ensure that changes such as unusual weight gains or losses, or deterioration of mental ability or a physical health condition, are documented and then reported to the resident's physician and responsible person, if any. In contrast, California Code of Regulations, Title 22, section 85075.4 requires clients of Adult Residential Facilities to be observed for changes in physical, mental, emotional and social functioning, but does not contain any related documentation requirements.

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(f) PROCEDURE (Continued)**

- **Staff-training requirements.** California Code of Regulations, Title 22, section 87411(c) requires staff of Residential Care Facilities for the Elderly who assist residents with activities of daily living to complete training in such areas as the aging process and the special needs of the elderly, techniques of personal care services, and recognizing signs and symptoms of dementia.

***Please also see the Adult Residential Facility/Residential Care Facility for the Elderly side-by-side regulation handout included at the end of this subsection.***

**Specific instances where Adult Residential Facility regulations would be used.** For clarification, following are two specific areas where the Adult Residential Facility regulations should be used, even though it may appear that a Residential Care Facility for the Elderly regulation may be applicable under some circumstances:

- **Physical-safety enhancements.** California Code of Regulations, Title 22, section 80088(e)(3), Fixtures, Furniture, Equipment and Supplies, should be used to require such items as grab bars, non-skid mats or strips in bathtubs and showers, and night lights in Adult Residential Facilities that care for clients 60 years of age or older, as needed. Although California Code of Regulations, Title 22, sections 87307(d)(3)-(5) and 87303(e)(4)-(5) address these items specifically for Residential Care Facilities for the Elderly, Licensing Program Analysts have the authority to require these same items for Adult Residential Facilities under California Code of Regulations, Title 22, section 80088(e)(3).
- **Prohibited health and restricted conditions.** California Code of Regulations, Title 22, section 80091, Prohibited Health Conditions, and California Code of Regulations, Title 22, section 80092, Restricted Health Conditions, will continue to apply to Adult Residential Facility clients 60 years of age or older, as they are somewhat more comprehensive than the Residential Care Facility for the Elderly regulations. (Moreover, California Code of Regulations, Title 22, Section 85068.4(h) requires that clients 60 years of age or older be retained in accordance with California Code of Regulations, Title 22, section 80092.) Thus, a client 60 years of age or older with a tracheostomy—a prohibited health condition in Residential Care Facilities for the Elderly—could continue to reside in an Adult Residential Facility as long as the requirements of California Code of Regulations, Title 22, section 80092.11, Tracheostomies, were met.

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(f) PROCEDURE (Continued)****Process for Requiring Compliance with a  
Residential Care Facility for the Elderly Regulation**

The Regional Manager will determine whether or not to apply a Residential Care Facility for the Elderly regulation to an Adult Residential Facility that cares for a client(s) 60 years of age or older. The general process for arriving at that determination is described below. The example of a site visit is used, but the same general process would apply regardless of how it came to the attention of licensing staff that it may be advisable to require an Adult Residential Facility to comply with a Residential Care Facility for the Elderly regulation under the authority granted by California Code of Regulations, Title 22, section 85068.4(f).

- **Use existing procedures.** Licensing Program Analysts should continue to conduct and document site visits to Adult Residential Facilities using existing procedures.
- **If a Licensing Program Analyst believes a Residential Care Facility for the Elderly regulation may be applicable.** If a Licensing Program Analyst believes that a Residential Care Facility for the Elderly regulation may be applicable to a specific situation at a facility—and that requiring compliance with the Residential Care Facility for the Elderly regulation is necessary to ensure the health and safety of the client(s)—the Licensing Program Analyst should complete the site visit using existing procedures and should NOT require the licensee to comply with the Residential Care Facility for the Elderly regulation at the time of the site visit.
- **Discuss with Licensing Program Manager.** Upon returning to the licensing office, the Licensing Program Analyst should discuss with the Licensing Program Manager the issue of potentially requiring the Adult Residential Facility to comply with the Residential Care Facility for the Elderly regulation, based on the specific needs of the client(s) 60 years of age or older living at the facility.
- **Regional Manager makes determination.** In consultation with the Licensing Program Analyst and the Licensing Program Manager, the Regional Manager will determine whether or not the Residential Care Facility for the Elderly regulation is applicable and should be utilized.

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(f) PROCEDURE (Continued)**

- **If the Residential Care Facility for the Elderly regulation is determined not applicable.** If the Regional Manager determines that a Residential Care Facility for the Elderly regulation is not applicable, then nothing needs to be done.
- **If the Residential Care Facility for the Elderly regulation is determined applicable.** If the Regional Manager determines that a Residential Care Facility for the Elderly regulation is applicable and should be utilized, the licensing office will send the licensee a certified letter informing the licensee of the determination of the California Department of Social Services. ***Please see the sample letter included at the end of this subsection.*** A copy of the Residential Care Facility for the Elderly regulation must be attached to the letter.
- **Subsequent visit/citation protocol.** If a visit is subsequently made to the facility and it is determined that the licensee is not complying with the Residential Care Facility for the Elderly regulation, the licensee may be cited using the Residential Care Facility for the Elderly regulation number.
- **Reminder.** As a reminder, a licensee may also be required to comply with a Residential Care Facility for the Elderly regulation as a condition of granting an exception.

**Adult Residential Facility (ARF) Age Regulations:  
ARF Regulations vs. Residential Care Facility for the Elderly (RCFE) Regulations (7/09)**

Topic	ARF Regulations	RCFE Regulations
Observation of Client	<p><b>Sections 85075.4(a) through (c), Observation of the Client:</b> Requires the licensee to:</p> <ul style="list-style-type: none"> <li>• Regularly observe each client for changes in physical, mental, emotional and social functioning.</li> <li>• Provide assistance when observed needs might necessitate a change in the existing service level, or a possible transfer to another type of facility.</li> <li>• Bring observed changes, including but not limited to unusual weight gains or losses, or other deterioration of the client's health condition, to the attention of the client's physician and authorized representative, if any.</li> </ul> <p><i>Section 85075.4(a)(1), Handbook, clarifies that documentation of observations of the client is <u>not required</u> in ARFs.</i></p>	<p><b>Section 87466, Observation of the Resident:</b> The provisions of this RCFE section are almost identical to those of ARF Section 85075.4; <i>however, this section specifically requires the licensee to document any observed changes.</i></p> <p>Section 87466 requires the licensee to:</p> <ul style="list-style-type: none"> <li>• Ensure that residents are regularly observed for changes in physical, mental, emotional and social functioning.</li> <li>• Ensure that appropriate assistance is provided when such observation reveals unmet needs.</li> <li>• When changes such as unusual weight gains or losses or deterioration of mental ability or a physical health condition are observed, <b><i>ensure that such changes are documented</i></b> and brought to the attention of the resident's physician and responsible person, if any.</li> </ul>
Staff Training	<p><b>Section 80065(f), Personnel Requirements:</b> Requires that all personnel be given on-the-job training, or have related experience, which provides knowledge of and skill in the following areas, as appropriate to the job assigned and as evidenced by safe and effective job performance:</p>	<p><i>In addition to the on-the-job training required in Section 87411(d), which is almost identical to the on-the-job training required in ARF Section 80065(f) (opposite), specified staff of RCFEs must also complete the following training:</i></p>



**Adult Residential Facility (ARF) Age Regulations:**  
**ARF Regulations vs. Residential Care Facility for the Elderly (RCFE) Regulations (7/09)**  
 (Continued)

Topic	ARF Regulations	RCFE Regulations
<b>Staff Training (cont'd)</b>	<ul style="list-style-type: none"> <li>• Nutrition, food preparation and storage, and menu planning</li> <li>• Housekeeping and sanitation</li> <li>• Client care and supervision, including communication</li> <li>• Assistance with self-administered medications</li> <li>• Recognition of signs of illness and need for professional assistance</li> <li>• Community services and resources</li> <li>• Universal precautions (adult community care facilities)</li> </ul>	<p><b>Section 87411(c), Personnel Requirements – General:</b> Requires all RCFE staff that assist residents with personal activities of daily living (ADLs) to receive at least 10 hours of initial training within the first four weeks of employment and at least four hours annually thereafter. Training is to include:</p> <ul style="list-style-type: none"> <li>• Aging process and physical limitations and special needs of the elderly</li> <li>• Personal care services, including bathing, grooming, dressing, feeding, toileting and universal precautions</li> <li>• Resident rights (personal rights)</li> <li>• Medications</li> <li>• Psychosocial needs of the elderly, such as recreation, companionship, independence, etc.</li> <li>• Recognizing signs and symptoms of dementia</li> </ul>
<b>Physical-Safety Enhancements</b>	<p><b>Section 80088(e)(3), Fixtures, Furniture, Equipment and Supplies:</b></p> <p>Requires all toilets, hand washing and bathing facilities to be maintained in a safe and sanitary operating condition. Requires that additional equipment, aids, and/or conveniences be provided in facilities accommodating physically handicapped clients who need such items.</p>	<p><i>In addition to Section 87303(e)(6), which is almost identical to ARF Section 80088(e)(3) (opposite), RCFEs must meet the following requirements:</i></p> <p><b>Sections 87303(e)(4) through (e)(5), Maintenance and Operation:</b> Requires grab bars for each toilet, bathtub and shower used by residents; and requires non-skid mats or strips to be used in all bathtubs and showers.</p>

**Adult Residential Facility (ARF) Age Regulations:**  
**ARF Regulations vs. Residential Care Facility for the Elderly (RCFE) Regulations (7/09)**  
 (Continued)

Topic	ARF Regulations	RCFE Regulations
Physical-Safety Enhancements (cont'd)		Sections 87307(d)(3) through (d)(5), <b>Personal Accommodations and Services:</b> Requires protective devices such as non-slip material on rugs; hand railings where necessary; and night lights in hallways and passages to non-private bathrooms.
Care of Persons with Dementia	The ARF regulations do not specifically address the care of persons with dementia.	<p>The RCFE regulations contain the following provisions:</p> <ul style="list-style-type: none"> <li>• <b>Section 87411(c), Personnel Requirements - General</b> (signs/symptoms of dementia part of 10-hour training)</li> <li>• <b>Section 87705, Care of Persons with Dementia</b></li> <li>• <b>Section 87706, Advertising Dementia Special Care, Programming, and Environments</b></li> <li>• <b>Section 87707, Training Requirements If Advertising Dementia Special Care, Programming, and Environments</b></li> </ul>

**ARF AGE REGULATIONS: SAMPLE LETTER [SECTION 85068.4(f)] (7/09)**

**COMMUNITY CARE LICENSING DIVISION:  
NOTICE OF REQUIREMENT FOR  
AN ADULT RESIDENTIAL FACILITY (ARF) TO COMPLY WITH  
A RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) REGULATION**

<b>FACILITY NAME</b>	<b>DATE</b>
<b>FACILITY ADDRESS</b>	
<b>CITY</b> <b>STATE</b> <b>ZIP CODE</b>	
<b>LICENSEE(S)/OPERATOR</b>	<b>FACILITY #</b>

The California Code of Regulations (CCR), Title 22, Division 6, Chapter 8, Section 85068.4(f), provides:

The [CA] Department [of Social Services] may require the licensee to comply with various regulations applicable to RCFEs [Residential Care Facilities for the Elderly] if the Department determines that compliance with any such specific regulations is necessary to protect the health and safety of clients 60 years of age or older. Such regulations may include, but not be limited to, those pertaining to the training of staff members who assist clients with personal activities of daily living; the regular observation of clients for changes in physical, mental, emotional, and social functioning; and the notification of the client's physician and responsible person and/or authorized representative, if any, of documented changes.

The purpose of this letter is to provide notice that the Department has determined, based on the specific needs of a client(s) 60 years of age or older living in your facility, that beginning \_\_\_\_\_(DATE), your facility will be required to comply with Section \_\_\_\_\_ of the RCFE regulations (CCR, Title 22, Division 6, Chapter 8). A copy of the specific regulation is attached. You may be cited for noncompliance with this regulation. Please contact your licensing program analyst at the telephone number below if you have questions or need guidance regarding how to comply with this regulation.

The following provides the basis for this determination:

The requirement to comply with the above-mentioned RCFE regulation ceases under the following condition(s):

**Licensee/Applicant Rights:** As clarified in CCR, Title 22, Division 6, Chapter 8, Section 80043(a), licensees/applicants have the right to bring to the attention of the Department any alleged misapplication or capricious enforcement of regulations by any licensing representative, or any differences in opinion between the licensee and any licensing representative concerning the proper application of these regulations.

<b>NAME OF LICENSING PROGRAM ANALYST</b>	<b>TELEPHONE NUMBER</b>	<b>SIGNATURE OF LICENSING PROGRAM ANALYST</b>	<b>DATE</b>
<b>REGIONAL MANAGER (or designee)</b>		<b>SIGNATURE OF REGIONAL MANAGER (or designee)</b>	<b>DATE</b>

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(g) POLICY**

Under California Code of Regulations, Title 22, section 85068.4(g), a licensee of an Adult Residential Facility must request an exception to accept or retain a person 60 years of age or older *only if* acceptance or retention of such a person would result in the number of persons 60 years of age or older exceeding 50 percent of the census in facilities with a capacity of six or fewer clients, or 25 percent of the census in facilities with a capacity over six.

Pursuant to California Code of Regulations, Title 22, section 85068.4(g), the licensee's request for an exception to California Code of Regulations, Title 22, section 85068.4(g) must:

- be made in accordance with existing California Code of Regulations, Title 22, section 80024, Waivers and Exceptions; and
- include the documentation specified in California Code of Regulations, Title 22, section 85068.4(c), as part of the substantiating evidence required in California Code of Regulations, Title 22, section 80024. (See "client information" below for a list of this documentation.)

**General Instructions Regarding Age Exceptions  
under California Code of Regulations, Title 22, Section 85068.4(g)**

**Licensing staff to assist and not discourage.** As indicated under Regulation Interpretations and Procedures for Adult Residential Facilities section 85068.4, if an exception to California Code of Regulations, Title 22, section 85068.4(g) is required, licensing staff shall assist, and not discourage, licensees/applicants of Adult Residential Facilities in requesting exceptions to admit or retain persons 60 years of age or older. This assistance shall include providing licensees/applicants with an explanation of the waiver/exception process.

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(g) POLICY (Continued)**

**Client information.** The substantiating evidence that accompanies an age-exception request, per California Code of Regulations, Title 22, sections 85068.4(g) and 80024, must include the documentation required in California Code of Regulations, Title 22, section 85068.4(c):

- Completed Functional Capabilities Assessment – *Required*
- Completed Needs and Services Plan – *Required*
- Medical Assessment – *Required*
- Letter(s) of support from the person’s conservator – *If applicable*  
(*Licensing staff should take into account the wishes of the current or prospective client’s conservator and the client, when feasible.*)
- Other letters of support (placement officer, social worker and/or mental health professional) – if any and if applicable  
(*Letters of support from placement officers, social workers, and/or mental health professionals are generally optional, but may be requested by licensing staff if necessary to make an informed decision regarding an exception request.*)

Please see Regulation Interpretations and Procedures for Adult Residential Facilities section 85068.4(c) for more specific information on these items.

**Facility information.** The facility information to consider is much the same as it is for other exception requests:

- Compliance history and substantiated complaints, particularly as related to the individual needs of the potential/retained client
- Plan of Operation, including how the licensee plans to meet client population needs—and staff qualifications and plans for in-service education/training
- Existing client population and compatibility issues
- Ability of facility to meet specific client needs

**Timeliness.** Timeliness of responding to licensees that request age exceptions is essential.

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(g) POLICY (Continued)****Approval/signature protocol for age exceptions.** The following applies:

- All approvals of age exceptions must be signed by the Regional Manager before they become effective.
- All denials of age exceptions must be discussed with the Program Office prior to being signed by the Regional Manager and sent to the licensee.
- All age exceptions will be reviewed closely and retained.

**Procedures for sending to Program Office.** The following applies:

- Upon sending an age-related exception letter approval/denial to the licensee, scan/place an electronic copy, with supporting documentation, into the Age Exceptions folder.
- Path: \\Cdssfps11\ccl\Common\REGIONAL OFFICE INBOX\Age Exceptions
- Naming Convention: Region – Name of Facility – Age Ex  
(If there are two facilities in a region with the same name and both request an age exception, add the facility number after the name of the facility. Example: Region – Name of Facility – Facility # – Age Ex.)

**Summary of decision-making criteria.** In evaluating an age-related exception request, Licensing Program Analysts should consider the following questions:

- Can the licensee/facility meet the client's specific needs?
- What is the facility's compliance history related to clients with similar needs?
- Are the client's needs compatible with those of other clients in the facility?
- Do the client's special needs (e.g., mental health) match the facility's program?  
Can the client benefit from the facility's program?
- What are the wishes of the current/prospective conservator and the client? Is it feasible to take those into account?

When considering whether or not to grant an age exception under this section, the fact that a licensee is out of compliance with the senior client ratio shall not be the sole reason for denying an age exception request. The individual's specific needs should always be emphasized when evaluating an age exception request.

**85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**  
(Continued)**85068.4****(g) POLICY (Continued)**

Please see Regulation Interpretations and Procedures for Adult Residential Facilities sections 2-5400 and 2-5310 for more information regarding waivers and exceptions.

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**(h) POLICY**

Under California Code of Regulations, Title 22, section 85068.4(h), retention of all clients shall be in accordance with each client's Needs and Services Plan, required by California Code of Regulations, Title 22, section 85068.2, and the criteria specified in California Code of Regulations, Title 22, section 80092, Restricted Health Conditions.

The Needs and Services Plan of a client 60 years of age or older must include how any age-related care needs will be addressed, as required by California Code of Regulations, Title 22, section 85068.4(c)(2).

In addition, the requirements in California Code of Regulations, Title 22, section 80092, Restricted Health Conditions, continue to apply to clients 60 years of age or older.

**85068.5 EVICTION PROCEDURES****85068.5**

(b)(1)(B)

**POLICY**

The required three-day eviction does not preclude the immediate removal of a client for purposes of relocation under emergency circumstances (e.g., incarceration, emergency medical or psychiatric care) by an authorized person or agency, such as law enforcement, a relative or authorized representative. (See Section 85068.5(f) Policy).

**PROCEDURE**

Document the telephone call on the Contact Sheet (LIC 185) and any nonpublic information on the Detail Supportive Information (LIC 812).

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(f)

**POLICY**

**NOTE:** Eviction is not synonymous with client relocation. Eviction is action taken against the will of the client or his/her authorized representative (e.g., placement agency). When placement concurs, this action is considered relocation, not eviction.

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**85072 PERSONAL RIGHTS****85072****(b)(1) PROCEDURE**

Review client record to ensure that a copy of the Personal Rights (LIC 613) is on file and has been signed by the client or his/her authorized representative. Refer to Section 80072.

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**(b)(2) POLICY**

If changes related to care and supervision are initiated through a placement agency or consultant, it is the licensee's responsibility to see that the appropriate notification occurs. This information is confidential and should be released only to those authorized. Client permission for release is not necessary.

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**(b)(4) POLICY**

House rules can be established regarding visitation hours, sign in rules, visiting rooms, etc., but must apply to all visitors.

Although the Office of the State Ombudsman primarily focuses on adults who are 60 years of age or older, the Office is authorized to enter any community care facility caring for adults. Such visits can be made at anytime the State Ombudsman feels it is necessary and reasonable in order to effectively carry out his/her responsibilities under Welfare & Institutions Code Sections 9700-9701 and 9710-9714. (See Section 80044(a) Policies and Procedures.)

Visits by the State Ombudsman can differ significantly: a) As an advocacy representative of the client(s) the Ombudsman may come to the facility as a visitor and would be asked to comply with the house rules concerning visiting hours, etc., or b) In response to complaints as authorized by statute to enter community care facilities for the purpose of hearing, investigating and resolving complaints. The latter situation is beyond the context of a "visit" and gives the Ombudsman the right to "inspect" at anytime he/she feels is necessary and reasonable.

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**85072 PERSONAL RIGHTS (Continued)****85072****(b)(9) POLICY**

Licensees shall provide a telephone, on the premises, for client use. The licensee is permitted to require clients or his/her authorized representative to reimburse the facility for long distance calls. The number of calls permitted to clients should not be limited unless the licensee has documentation to verify excessive use by the client.

Pay telephones meet Subsection (9) above if they are accessible in order for pay telephones to be considered accessible, the facility must provide clients with change to make local calls. This means the licensee is required to pay for local calls.

**PROCEDURE**

See Section 80073, General Requirements.

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**(b)(9)(B) POLICY**

If the licensee intends to collect reimbursement for long distance phone calls, this should be indicated in the admission agreement. Reimbursement fees must be documented by bills and receipts in the client file.

**PROCEDURE**

Review the client's file to ensure that this reimbursement is receipted and documented on the client's Account of Client's Safeguarded Funds (LIC 405).

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**85075.1 HOSPICE CARE****85075.1****(1) POLICY**

To admit or retain a client on hospice who is bedridden as defined in Health and Safety Code Section 1566.45(a)(1), the following requirements must be met: \*

1. The licensee must notify the local fire authority within forty-eight (48) hours of admitting or retaining the client. This is required by Health and Safety Code Section 1507.3(i)(1).
2. The licensee must obtain and maintain a bedridden fire clearance. This is required by Health and Safety Code Sections 1507.3(i)(2) and 1566.45(b).

\* A client whose condition persists for fourteen days or less is not considered to be bedridden, pursuant to Health and Safety Code Section 1566.45(a)(3).

**85075.3 OBSERVATION OF A CLIENT****85075.3****(a) POLICY**

However, if such changes affect the services required by the client, this must be documented via a modification to the needs and services plan. (Section 85068.3)

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**85076 FOOD SERVICE****85076****(d)(4) PROCEDURE**

If it is suspected that the appropriate temperatures of refrigerators and freezers are not maintained, use a holding thermometer to check the temperature.

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**85077 PERSONAL SERVICES****85077****(b) POLICY**

A client may be permitted to do his/her own laundry if he/she desires and is able or it is part of a needs and services plan. However, no clients' laundry shall go undone if the client refuses to participate in such a plan.

**PROCEDURE**

See Section 85088(d) Policy.

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**85078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION****85078****(a)(1) POLICY**

Although community care facilities are required to have someone on duty at all times as a basic requirement, an exception to this regulation may be granted for a specific client for limited periods of time. Since this is a licensing requirement, the licensing agency is the **only agency authorized** to grant an exception to this regulation.

All exception requests must be signed by all of the following: The client or his/her authorized representative; the placement agency (if one is involved with the client); or the client's physician (if no placement agency is involved); and the licensee/administrator.

Exceptions from the requirement of continuous in-facility supervision shall be limited to periods of time not exceeding six hours per day and to ambulatory clients 18 years of age or over. The licensing agency shall ensure that the facility has an appropriate fire clearance.

**85078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 85078**  
(Continued)**(a)(1) PROCEDURE**

Review the request for an exception and ensure that the supporting documentation includes the following:

1. A statement which specifies the reasons why the exception is requested; the conditions under which the client will not be supervised, including but not limited to:
  - a. The time(s) of day;
  - b. The number of hours; and
  - c. The frequency at which the client will be left unsupervised.

The statement must be signed by the persons outlined in the above policy.

2. A copy of the client's assessment and any other information which may assist the licensing agency in making a determination as to whether to grant or deny the request for an exception. (See Reference Material Section 2-5000)

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**85080 RESIDENT COUNCILS 85080****(b) PROCEDURE**

Determine that facilities permit the formation of resident councils by interviewing residents and/or staff to see if residents have indicated an interest to do so. If it is determined that resident councils are not permitted, cite the licensee on the LIC 809.

If the facility has a resident council, review documentation of notice of meetings, meeting times and recommendations from council meetings. If documentation does not exist, cite the licensee on the LIC 809.

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**(b) POLICY**

Based on this Section, as well as the requirements of Section 80072(a), the licensee, members of the licensee's family, staff, etc. shall not share a bedroom with a client.

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**85087.2 OUTDOOR ACTIVITY SPACE****85087.2****(b) POLICY**

The licensee's written activity plan shall include the location(s) of outdoor activity space utilized by the clients. These areas may include activity centers, public parks and other such space. Shade can be provided by trees, awnings, tables with umbrellas, etc.

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**85088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES****85088****(b)(4) POLICY**

Privacy can be ensured by the use of dividers, screens, curtains, stall doors, etc.

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**(b)(5) POLICY**

These items are to be furnished at the basic rate unless the client wishes to use a specific brand which the facility does not normally purchase. Charges for special purchases must be indicated in the admission agreement and provided at cost.

If a facility is experiencing a problem with waste and breakage additional supervision must be provided rather than charging clients when breakage or loss occurs.

**(b)(5) PROCEDURE**

Review the admission agreement to ensure that any additional charges have had prior agreement.

As appropriate, interview clients to ensure they actually prefer the specific brand for which they were charged and that they are capable of making that decision.

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**(c)(1)(A) POLICY**

For those mattresses and pillows not certified as flame retardant, flame retardant mattress and pillow covers must be provided.

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**85088      FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES****85088**

(Continued)

(d)(1)(A)

**POLICY**

Coin operated machines may be utilized as long as the private clients are capable of doing their own laundry and agree to it in the admission agreement. Private clients who are not capable of doing their own laundry have the opportunity at time of admission to decide if a facility can meet their needs and whether or not they want to reside in that facility. However, care should be taken to assure that clients are not charge twice. For example, the client may be charged the total basic rate which includes a laundry service fee and might also be required to use their own money to operate the machines. Thus, it is important that each agreement for private pay clients clearly stipulate only one of the following:

1. That the total basic charge includes basic laundry service (for those clients who are not capable of or who do not desire to do their own laundry), or
2. That the total basic charge does not include the fee for laundry service and that the client must use his/her own money to utilize the coin operated machines (for clients who are capable of and desire to do their own laundry).

No client laundry will go undone because the client does not desire or is not capable of doing his/her own laundry. Clients who become unable to decide not to do their own laundry after admission shall be provided laundry service and shall have their agreements adjusted accordingly.

Client ability shall be determined by the needs and services plan and modification to said plan.

(f)(2)

**POLICY**

“Living unit” is the client’s bedroom.

The intent of this regulation is to ensure that all clients have access to staff in an emergency. If the system used by the facility meets the intent of this regulation by using a safe and effective alternative, a waiver may be granted. Review of such waiver request must consider the specific system in a facility and the acceptance by the facility of only those clients who have the ability to use the alternative system or plan. The alternative system must be approved in writing by placement or other agencies indicated by the licensing agency, and the approval must be submitted to the licensing agency as part of the waiver request.

**85088      FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES****85088**

(Continued)

(f)(2)

**POLICY** (Continued)

Intercoms may be used to meet the requirement for a signal system. As with an alternative for a signal system, it must meet the intent of the regulation and the facility clients must be capable of using the system. In no circumstances is a signal system or alternative to be used in place of required staff for purposes of client supervision.

**PROCEDURE**

Refer to Section 80024 and Reference Material 2-5000.

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